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7 UNITED STATES DISTRICT COURT

8 FOR THE CENTRAL DISTRICT OF CALIFORNIA - Western Division

9 TONY LAVAN, et al.,) CASE NO: cv 11-02874 PSG (AJWx)
10 Plaintiffs,)
11 v.) EX PARTE APPLICATION FOR A
12 CITY OF LOS ANGELES, et al.,) TEMPORARY RESTRAINING ORDER
13 Defendants.) AND/OR ORDER TO SHOW CAUSE
RE ISSUANCE OF A PRELIMINARY
INJUNCTION; MEMORANDUM;
DECLARATION OF COUNSEL

14 Date: TBD

15 Time: TBD

16 Ctrm: Roybal 880 (Hon. Philip Gutierrez)

17 Action filed: April 5, 2011

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20 Notice is hereby given that, on a date and time to be set by the Court,
21 plaintiffs will seek an Ex Parte Application for a Temporary Restraining Order to
22 bar the City of Los Angeles, its agents and employees, from seizing and
23 immediately destroying the personal property of homeless individuals living
24 without shelter in the Skid Row area of Los Angeles. Alternatively, plaintiffs
25 will ask the Court to set a hearing on a preliminary injunction on a shortened
26 schedule.

27 Said Motion is based on this Notice of Motion and Motion, the Ex Parte
28 Application, Declaration of Counsel, the memorandum of law, declarations of

1 plaintiffs and all exhibits filed in support of the moving papers, as well as any
2 additional matters that may be filed in opposition to pleadings filed by the
3 defendants, and any further matters that may be presented at oral argument, if any
4 is set by the Court.

5 The Ex Parte Application is filed pursuant to Local Rule 7-19. Plaintiffs'
6 counsel notified City Attorney Pete Echeverria by fax on April 12, 2011 of the
7 intention to move for a temporary restraining order. No response was received.
8 The Ex Parte Application is based upon the attached declaration of counsel and
9 the memorandum of points and authorities set forth below.

10 The counsel for defendants is:

11 Pete Echeverria
12 Chief City Attorney, Civil Division
200 N. Main Street
13 City Hall East, 8th fl.
Los Angeles, CA 90012
f. 213 978-8787

Cory Brente
Asst. City Attorney
200 N. Main Street
City Hall East, 6th fl.
Los Angeles, CA 90012
f. 213 978-8785
t. 213 978-7021

¹⁶ Dated: April 18, 2011

Respectfully submitted,

LAW OFFICE OF CAROL A. SOBEL
LAW OFFICE OF REBECCA F. THORNTON

By: CAROL A. SOBEL
Attorneys for Plaintiffs

MEMORANDUM OF POINTS AND AUTHORITIES

2 This Court has the inherent power to issue a temporary restraining order
3 pursuant to F.R.Civ.P. 65 and Local Rule 65.1. In this instance, the injury is to
4 plaintiffs' First Amendment Fourth and Fourteenth Amendment rights. They are
5 homeless individuals, with meager possessions. The defendant City, through the
6 LAPD and the Dept. of Public Works, has summarily confiscated and destroyed
7 Plaintiffs' property, even though it knows it is not abandoned and subject to
8 storage pursuant to California Civil Code §2080 et seq.

9 As the concurrently filed declarations of plaintiffs set forth, they have lost
10 everything.

11 Plaintiffs' counsel has given notice to defendants of the Ex Parte
12 Application being filed, as described more fully in the attached Declaration of
13 Carol A. Sobel

15 Dated: April 18, 2011

Respectfully submitted,

LAW OFFICE OF CAROL A. SOBEL
LAW OFFICE OF REBECCA F. THORNTON

BY: CAROL A. SOBEL
Attorneys for Plaintiffs

DECLARATION OF CAROL A. SOBEL

I, CAROL A. SOBEL, declare:

3 1. I am the attorney for plaintiffs in the above-captioned action. I have
4 personal knowledge of the facts set forth below.

5 2. On April 12, 2011, I faxed a copy of the Complaint in this action to
6 Pete Echeverria, head of the City Attorney's Civil Division. I notified Mr.
7 Echeverria in the letter accompanying the Complaint of my intention to file for an
8 Ex Parte Application. I have received no response.

9 3. I have served a copy of the Ex Parte Application and all attachments
10 to Mr. Echeverria and to Cory Brente, Asst. City Attorney.

11 I declare under penalty of perjury that the foregoing is true and correct.
12 Executed this 18th day of April, 2011 at Santa Monica, California.

CAROL A. SOBEL /s/

CERTIFICATE OF SERVICE

3 The undersigned hereby certifies that the City of Attorney has been served
4 this date by facsimile service upon the following individuals:

5 Pete Echeverria
Chief City Attorney, Civil Division
6 200 N. Main Street
7 City Hall East, 8th fl.
Los Angeles, CA 90012
f. 213 978-8787

8 Cory Brente
9 Asst. City Attorney
10 200 N. Main Street
11 City Hall East, 6th fl.
f. 213 978-8785
t. 213 978-7021

I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 18th^t day of April, 2011 at Santa Monica, California.

CAROLA A. SOBEL